

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA,
ex rel. JOHN R BORZILLERI, M.D. et al.,

Plaintiffs,

vs.

BAYER AG, et al.,

Defendants.

Case No. 14-cv-00031-WES-
LDA

**THE PHARMACY BENEFIT MANAGER DEFENDANTS' JOINT MOTION
TO DISMISS RELATOR'S SECOND AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6), 9(b), and 12(b)(1), Defendants Aetna Inc., Cigna Corporation, Humana, Inc., CVS Health Corporation, Express Scripts Holding Company, and UnitedHealth Group, Inc., collectively "PBM Defendants," move the Court for an order dismissing in its entirety relator John R. Borzilleri, M.D.'s Second Amended Complaint. The grounds for this motion are set forth fully in the accompanying Memorandum.

Dated: November 19, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November 2018, the undersigned has caused the within Motion to Dismiss to be filed with the Court via the ECF filing system. As such, this document will be electronically sent to the parties through their registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Michael P. Robinson